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			EXAMINER	
			BRUCKART, BENJAMIN R	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/671,234	Applicant(s) RHODES ET AL.	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED-STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### **Status of Claims:**

Claims 1-20 are pending in this Office Action.

Claims 3, 4, 11, 12, 13, 18, 19 are amended.

The 35 U.S.C. 112, second paragraph rejection is withdrawn based on applicant's amendment.

The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

## **Response to Arguments**

Applicant's arguments filed in the amendment filed 11/9/07, have been fully considered but they are not persuasive. The reasons are set forth below.

### **Applicant's invention as claimed:**

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 7, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 20030023874 by Prokupets et al.**

Regarding claim 1, a data transmission system for a facility (Prokupets: Fig. 1) comprising:

- a first network (Prokupets: Fig. 1, tag 22c; page 3, para 24) including;
  - a number of critical devices disposed within the facility (Prokupets: page 3, para 24); and
  - at least one first computer workstation operably coupled to said number of critical devices via said first network (Prokupets: Fig. 1, tag 12);
- a second network including at least one second computer workstation (Prokupets: Fig. 1, tag 20); and
- an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network (Prokupets: Fig. 1, tag 12; page 2, para 8-9).

Regarding claim 2, the data transmission system of claim 1, wherein:

- said first network is a fire control network (Prokupets: Fig. 1, tag 22c; page 3, para 24);
- said number of critical devices include fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24); and

said first computer workstation implements software configured to receive data from and transmit data to said fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24; events and commands).

Regarding claim 7, the data transmission system of claim 1, wherein:

said second network includes a corporate network, independent of said first network, which includes workstations capable of broadcast transmissions (Prokupets: page 1, para 1); and

said isolating router is operable to block said broadcast transmissions to said first network (Prokupets: page 1, para 4).

Regarding claim 15, the data communication system of claim 1 wherein at least one building system work station is a fire safety system workstation connected to one of a plurality of fire safety system devices (Prokupets: page 5, para 34-35).

Regarding claim 16, the data communication system of claim 1 wherein the first plurality of workstations includes at least one fire safety system workstation and at least one non-fire building system work station (Prokupets: Fig. 1, tag 18a, tag 30, tag 24; page 4, para 28).

Regarding claim 17, the data communication system of claim 1 wherein at least one of the non-fire building system workstations is operably connected to heating ventilation and air conditioning system devices (Prokupets: Fig. 1, tag 22a).

Regarding claim 14, a data communication system for a facility comprising a first network and a second network connected by a router (Prokupets: Fig. 1), the first network including a first plurality of work stations (Prokupets: Fig. 1; page 3, para 24), the second network including a second plurality of work stations (Prokupets: Fig. 1, tag 26, 30), the first plurality of workstations including only building system workstations, the second plurality of work stations including only non-fire safety related building system workstations and non-building system

workstations, and wherein the router enables communication between the non-fire related building system workstations and the first plurality of workstations, and the router is operable to disable communication between the non-building system workstations and the first plurality of workstations (Prokupets: Fig. 1, tag 12; page 2, para 8-9).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-6, 8-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 20030023874 by Prokupets et al in view of U.S. Patent Publication No 20060114842 by Miyamoto et al in further view of U.S. Patent No. 6,144,736 by Koenig et al.**

Regarding claim 3, the Prokupets reference teaches the data transmission system of claim 2. The Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches an Ethernet switch used to isolate a first network from a second network (Miyamoto: page 1, para 6) in order to protect a network from the broadcasts of another network.

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by Prokupets to include an Ethernet switch to isolate one network from another.

The modified Prokupets reference fails to teach UL listed.

However, the Koenig reference teaches using meets one or more standards-issuing agencies publicly available standards on hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 4, the data transmission system of claim 1, wherein:

said first network includes a first Ethernet switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses and that is operable to electrically isolate said first network from said isolating router (Prokupets: Fig. 1; Koenig: col. 17, lines 38-45); and

said isolating router meets one or more standards-issuing agencies publicly available standards for information technology equipment for fire protective signaling uses (Prokupets: Fig. 1).

Regarding claim 5, the data transmission system of claim 1, wherein said second network includes a building control network which includes a second Ethernet switch operably coupled to a number of building control devices independent of said operationally critical devices (Miyamoto: page 1, para 6).

Regarding claim 6, the data transmission system of claim 5, wherein:

said second network includes a corporate network, independent of said building control network, which includes workstations capable of broadcast transmissions (Prokupets: Fig. 1, tag 30, 26); and

said isolating router is operable to block said broadcast transmissions to said first network (Prokupets: page 1, para 4).

Regarding claim 18, the data communication system of claim 1 wherein the first network includes a switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling (Koenig: col. 17, lines 38-45).

Regarding claim 19, the data communication system of claim 1 wherein the router meets one or more standards-issuing agencies publicly available standards for information technology equipment for fire protective signaling (Koenig: col. 17, lines 38-45).

Regarding claim 20, the data communication system of claim 1 wherein the first network comprises at least one Ethernet network and the second network comprises at least one Ethernet network (Miyamoto: page 1, para 6).

Regarding claim 8, a data transmission system for use in a facility (Prokupets: Fig. 1) comprising:

- a first network including a number of fire control devices and a number of fire safety workstations operably coupled to said fire control devices and operable to implement software for maintaining and controlling said fire control devices (Prokupets: Fig. 1, tag 22c; page 3, para 24);

- a second network including a number of building control devices and a number of building automation workstations operably coupled to said building control devices and operable to implement software for maintaining and controlling said building control devices (Prokupets: Fig. 1, tag 26, 30); and

- an isolating router connecting said first network to said second network and operable to isolate said first network from data transmission traffic in said second network (Prokupets: Fig. 1, tag 12).

The Prokupets fails to teach Ethernet connections.

However, the Miyamoto reference teaches an Ethernet switch used to isolate a first network from a second network (Miyamoto: page 1, para 6) in order to protect the a network from the broadcasts of another network.



It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by Prokupets to include an Ethernet switch to isolate one network from another.

The modified Prokupets reference fails to teach UL listed.

However, the Koenig reference teaches using UL certification on hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to create the data transmission system as taught by modified Prokupets to include a UL standard on the hardware to obtain safety compliance and dramatically increase long term reliability (Koenig: col. 17, lines 38-45).

Regarding claim 9, the data transmission system of claim 8, wherein said building automation workstations include a database server workstation and at least one database client workstation (Prokupets: Fig. 1, tags 14, 30).

Regarding claim 10, the data transmission system of claim 9, wherein database server workstation is connected within said first sub-network (Prokupets: Fig. 1, tag 12).

Regarding claim 11, the data transmission system of claim 10, wherein only workstations connected within said first sub-network meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses than at least some workstations connected outside the first sub-network (Koenig: col. 17, lines 38-45).

Regarding claim 12, the data transmission system of claim 11, wherein said first sub-network includes a first Ethernet switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses (Koenig: col. 17, lines 38-45).

Regarding claim 13, the data transmission system of claim 12, wherein said isolating router meets one or more standards-issuing agencies publicly available standards for information technology equipment for fire protective signaling uses (Koenig: col. 17, lines 38-45).

### **REMARKS**

Applicant has provided an amendment to the claims fixing a 112 issue and presented arguments. The independent claims are not amended. The examiner thanks applicant for catching and understanding the 103 rejection where Koenig is cited and used but omitted from the rejection statement.

#### **The Applicant Argues:**

Appliant argues the Prokupets reference does not teach a router.

#### **In response**, the examiner respectfully submits:

The Prokupets reference does teach an isolating router, therefore the rejection is maintained.

The Prokupet reference teaches a computer server system (Fig. 1, tag 12) that is interpreted to be the router. The server system 12 is connected to facility protection systems and information systems via a network (page 3, para 21). "Data is sent through the network in packets or files to components by their IP address." "One or more components may be serially connected to communication ports on security server 12." Further Prokupet teaches the "security server receives event data from systems 18 and 22, logs them and routes events ... outputs action data packets to such systems." "The security server may send in response to event data, messages to one or more output devices such as automated calls to pagers, telephones or emails."

(Prokupet: page 3, para 21). Prokupet's security server is interpreted to be the router as calimed

because it performs the functions of a router by delivering messages between networks. As noted the first network is taught in Prokupets: Fig. 1, tag 22c; page 3, para 24 and a second network is taught in Prokupets: Fig. 1, tag 20 and the isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network (Prokupets: Fig. 1, tag 12; page 2, para 8-9; page 3, para 21). The examiner encourages to distinguish the claimed router from an isolating device that routes messages between two separate networks.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

  
PHILIP TRAN  
PRIMARY EXAMINER